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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,269	06/23/2003	Robert L. Senter	11431US.00	1723

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EXAMINER

MORAN, KATHERINE M

ART UNIT PAPER NUMBER

3765

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,269

Applicant(s)

SETER ET AL.

Examiner

Katherine M. Moran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/29/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment of 4/11/05 has been received and reviewed. Applicant amended claim 1 and cancelled claims 8-11. Claims 1-7 and 12-15 are pending.

Claim Objections

1. Claims 3-7 are objected to because of the following informalities: claim 3 recites "said light conducting material". The term "conducting" should be changed to "transmitting" in all applicable claims for consistency with claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-7 and 12-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's specification does not provide for a non-reflective lens in the form of a light transmitting material. Further, the specification recites various embodiments for the lens including reflective material 82

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but does not explicitly recite the employment of a non-reflective lens in the form of a light-transmitting material.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung-Piao (U.S. 5,177,467). Chung-Piao discloses the invention as claimed. Chung-Piao teaches an illuminated glove 1 comprising a flexible enclosure for surrounding all or portions of a human hand, the enclosure having a lens in the form of a light transmitting material (light bulb) and a light source 2 positioned thereon for directing light through the lens, a battery source 5 and a switch 6 for selectively activating the

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light source on the enclosure. The switch includes contacts to open and close the switch, with the contacts disposed on the enclosure for selective contact by an individual wearing the glove. Figures 3 and 3A show the contacts at the thumb and index finger sleeves of the glove. The switch is operative to energize or de-energize the light source in a blinking or continuous mode as desired.

6. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Gyori (U.S. 6,709,142). Gyori discloses the invention as claimed. Gyori teaches an illuminated glove 20 comprising a flexible enclosure for surrounding all or portions of a human hand, the enclosure having a lens in the form of a light transmitting material 40 and a light source 22 positioned thereon for directing light through the lens, a battery source (part of circuit 50) and a switch 58 for selectively activating the light source on the enclosure. The light source is contiguous with the light transmitting material, and could also be interpreted as being embedded in the light conducting material, in the same manner as the embedded embodiment shown in the drawings and discussed in the specification. The switch 58 is operative to energize the light source in a blinking or continuous mode or to de-energize the light source as desired.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Clanton et al. (Clanton, U.S. 4,422,131). Clanton discloses the invention as claimed. Clanton teaches an illuminated glove comprising a flexible enclosure 10 for surrounding portions of a human hand, the enclosure having a lens 11 in the form of light transmitting material and a light source 14 positioned thereon for directing light through the lens, a battery source 20 and a switch in the form of a spring 25 acting as an interface between

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a wearer's finger pressure and the battery source terminal 21 for selectively activating the light source. The lens is formed from plastic or rubber non reflective material and is illuminated along its length by the light source in the embodiment disclosed in col.2, lines 30-37 wherein the lens is formed from translucent or transparent rubber or plastic material. The light source is contiguous with the light transmitting material and also could be interpreted as being embedded in the light conducting material since enclosure itself conducts light.

Response to Arguments

8. Applicant's arguments, filed 4/11/05 with respect to the rejection of claims 1-7, 10, and 11 over Mead '357 have been fully considered and are persuasive. The rejection has been withdrawn. With regard to Applicant's arguments that the patents to Wise, Guy, and Gyori relate to fiberoptic material with a known characteristic that light is conducted thereby is transferred from one end to the other and not through its lateral or side surfaces so that the cable is not illuminated along its entire length but only at its ends, amended claim 1 recites the lens illuminated along its length by the light source. The word "entire" does not appear in the claim and further, Wise was not cited in a prior art rejection of the last Office Action. Guy was not relied upon for this particular teaching, and Gyori meets the claim limitations in that the light source directs light through the fibers (lens) and as such, the fibers are illuminated along their lengths by the light source.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Kmm

June 21, 2005

A handwritten signature in black ink, appearing to read 'K Moran', with a long horizontal flourish extending to the right.

Katherine Moran

Primary Examiner, AU 3765